REMARKS/ARGUMENTS

The Examiner is requiring restriction to one of the following groups:

Group I: Claims 1-10, 20, 22, and 27-42, drawn to a chemical compound of formula (I), a kit, a process for preparing a compound of formula (I).

Group II: Claims 11-14, drawn to a use claim, which uses a chemical compound of formula (I).

Group III: Claims 15-19, 21, and 23 drawn to a complex comprising a macromolecule coupled with a chemical compound of formula (I).

Group IV: Claims 24-25, drawn to a use claim which uses a complex comprising a macromolecule coupled with a chemical compound of formula (I).

Group V: Claim 26, drawn to a product for medical imaging using a chemical compound of formula (I).

Group VI: Claim 26, drawn to a product for medical imaging using a macromolecule coupled with a chemical compound of formula (I).

Group VII: Claim 43, drawn to a precursor chemical compound of formula (Ia).

Group VIII: Claim 44, drawn to a precursor chemical compound of formula (IIa), (IIb), (IIIa), (IIIb), (IVa), (IVb), (Va), or (Vb).

Group IX: Claims 45 and 46, drawn to a precursor chemical compound of formula (I).

Applicant provisionally elects Group I, Claims 1-10, 20, 22, and 27-42, drawn to a chemical compound of formula (I), a kit and a process for preparing a compound of formula (I), with traverse on the grounds that no adequate reasons and/or examples have been provided to support a conclusion of patentable distinctiveness between the identified groups. Also, it has not been shown that a burden exists in searching the claims of the several groups.

Moreover, the MPEP at § 803 states as follows:

> "If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on its merits, even though it includes claims to distinct or independent inventions."

Applicant respectfully submits that a search of all of the claims would not impose a serious burden on the Office.

Regarding the election of species, Applicant elects the compound prepared in Example 7 and used in Example 8, namely, 1-[3-(2-[^{18}F]fluoropyridin-3-yloxy)propyl]-pyrrole-2,5-dione. This compound is specifically recited in Claim 4 and corresponds to a compound of Claim 3's formula (II) wherein the pyridinyl group (Y of Claim 1's formula (I)) is a single 3-pyridinyl group.

Applicant respectfully submits that Claim 26 should have been included in the Group I listing of claims. Claims 1-10, on the one hand, and Claim 26, on the other hand, clearly share a common inventive concept, namely, the specific compound of formula (I). Due to its specific structure, this compound exhibits beneficial properties which are especially useful in medical imaging applications. More generally, the Examiner's objection as to the lack of Unity of Invention is traversed because Groups I to VI share a common inventive concept represented by the compound of formula (I).

Moreover, the claims of Groups VII to IX are directed to precursor chemical compounds which are used in the process of Claim 27 for preparing the compounds of formula (I). Thus, such precursor compounds include essential parts of the final structure of the compounds of formula (I) and are used in essential steps of the process for preparing the compounds of formula (I). Therefore, there is again a common inventive concept shared by the Groups VII to IX claims and those of Group I.

Accordingly, and for the reasons presented above, Applicant submits that the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement. Withdrawal of the Restriction Requirement is respectfully requested.

Applicant respectfully submits that the above-identified application is now in condition for examination on the merits, and early notice of such action is earnestly solicited.

Respectfully submitted,

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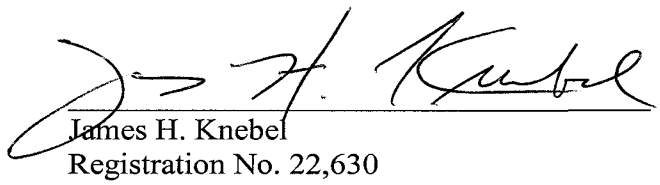

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